

REMARKS

The Official Action of July 18, 2008, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The claims have been amended to be directed to the elected invention. For convenience in entry of the amendment, the claims have been canceled in their entirety and presented as new Claims 23-32. Support for this amendment is found in the specification, e.g. at page 5, line 19 to page 13, line 22; and the claims of the application as filed.

Claims 23-32 are pending in the application.

Elections/Restrictions

Applicants affirm their election under 35 U.S.C. 121 of Group II (Claims 1-11) drawn to a compound of the Formula I, where A is thiazole and B is pyridyl, drawn to 1-thiazolyl-2-pyridyl-ethynes and pharmaceutical compositions thereof, without traverse.

This election is taken without prejudice to the filing of a divisional application directed to the non-elected subject matter. In accordance with the third sentence of 35 U.S.C. § 121, a patent issuing from the instant application should not be a reference against a divisional application filed before the issuance of such patent.

Allowable Subject Matter

Applicants gratefully acknowledge that the prior art does not disclose or make obvious the claimed subject matter. Applicants also gratefully acknowledge that Claim 1 stands objected to as containing non elected subject matter and would appear allowable, and that Claims 2-11 would also appear allowable if similarly limited to the elected inventions.

Because the claims have been amended to be directed to the elected invention (wherein A is thiazole and B is pyridyl), Applicants respectfully submit that such claims should be allowable.

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Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

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